

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evi-

-2-

1. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment.
2. The Petitioner shall not allow or cause the accessory structure to be utilized in any manner for the storage of commercial equipment,

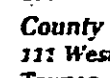
3

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mtm

-4-

District 1028 Date of Posting 9/14/10
 Posted for: Vourino
 Petitioner: Margaret G. Speck
 Location of property: HS Bawersheim Pl. No. 10, 4 Bawersheim Drive
2267 Bawersheim Dr.
 Location of Sign: Front Bawersheim Pl., across 10 Bawersheim
Dr. property of B. L. Hines
 Remarks:
 Posted by: John E. Sawyer Date of return: 11/15/10
 Number of Signs: 1

	Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204	Account: R 001-6150 Number	receipt N E 3392
	Date		
	9/12/90	H9100105	

PUBLIC HEARINGS FEES	QTY	PRICE
010 -ZONING VARIANCE (1RL)	1 X	\$35.00
080 -POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$60.00

LAST NAME OF OWNER: SPACERK

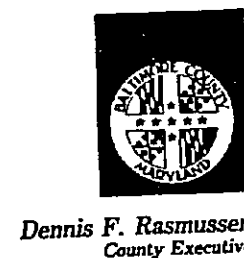
04A01N0030MICRC
 BA C003F41PM09-12-90
 Baltimore COUNTY BUSINESS DAY

\$60.00

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3333
J. Robert Haines
Zoning Commissioner

September 21, 1990

Margaret G. Spacek
2207 Bauernschmidt Drive
Baltimore, Maryland 21221



RE: CASE NUMBER: 91-104-A
ITEM NUMBER: 105
LOCATION: E/S Bauernschmidt Drive, 20' S of c/l of Riverside Drive
2207 Bauernschmidt Drive

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 3, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is October 16, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reopening of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

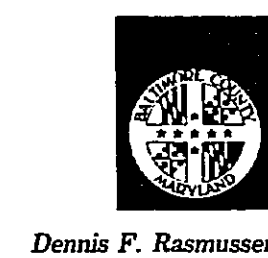
G. G. Stephens
(301) 887-1391

cc: Alfred L. Brennan, Jr., Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3333
J. Robert Haines
Zoning Commissioner

October 9, 1990

Alfred L. Brennan, Esquire
825 Eastern Blvd
Baltimore, MD 21221



RE: Item No. 105, Case No. 91-104-A
Petitioner: Margaret G. Spacek
Petition for Residential Variance

Dear Mr. Brennan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WNIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

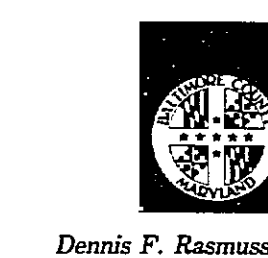
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Ms. Margaret G. Spacek
2207 Bauernschmidt Drive
Baltimore, MD 21221

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3333
J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this 12th day of September, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Margaret G. Spacek

Petitioner's Attorney: Alfred L. Brennan, Jr.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: October 2, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Margaret G. Spacek, Item No. 105

The Petitioner requests a Variance to permit a 16.5 ft. in height shed in lieu of the required 15 ft.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

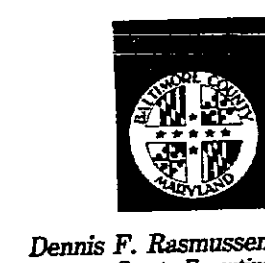
ITEM105/ZAC1

RECEIVED
10/4/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(801) 887-4500

Paul H. Reincke
Chief

OCTOBER 9, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MARGARET G. SPACEK

Location: #2207 BAUERNSCHMIDT DRIVE

Item No.: *105 Zoning Agenda: OCTOBER 2, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* 10-9-90 Noted and Approved *Captain W. F. Brackley*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
SEPTEMBER 28, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES *C 2 B*

SUBJECT: ZONING ITEM #: 105
PROPERTY OWNER: Margaret G. Spacek

LOCATION: E/S Bauernschmidt Drive, 20' S centerline of Riverside Drive (#2207 Bauernschmidt Drive)
ELECTION DISTRICT: 12th
COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

PLAN *DOES* DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE. SEE ATTACHED DIAGRAM. *Per use to make with acceptable.*

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

() OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: October 3, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for October 2, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 33 (revised), 73, 94, 89, 101, 102, 103, 104, 105, 106, 108, 110, 111 and 112.

Item 107 is subject to the previous County Review Group comments.

For Item 109, a County Review Group Meeting is required. Church Lane is to be improved as a 40-foot paving section on a 60-foot right-of-way.

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:s

RECEIVED
10/4

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: October 19, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 105
Spacek Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 2207 Bauernschmidt Drive. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Ms. Margaret Spacek

APPLICANT PROPOSAL

The applicant has requested a variance from section 440.3 of the Baltimore County Zoning Regulations to permit a 16 foot 6 inch in height shed in lieu of the required 15 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines
October 19, 1990
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec. 22-213(a)).

Finding: The shed is located approximately 200 feet from tidal waters and is located no closer than the existing house. No disturbance of the tidal buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." (Baltimore County Code Sec. 22-98)

Finding: The shed is located at the end of a stone driveway and in the same location that previous sheds have existed. No wetlands shall be impacted by this replacement.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" (COMAR 14.15.02.04 C.(7)).

Finding: The sum of impervious surfaces is approximately 8% of the lot. The sum shall not exceed 15% of the lot.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" (COMAR 14.15.02.04 C.(5)).

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 2 items - ball and burlap or 2 gallon container size

Tree list: 0 items - minimum 4 foot size

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorus associated with them.

Memo to Mr. J. Robert Haines
October 19, 1990
Page 3

5. Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" (Baltimore County Code, Section 22-217(h)).

Finding: The applicant proposes to install infiltration trenches along the side of the shed. This will ensure that infiltration of water shall be maximized throughout the site.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 987-2904.

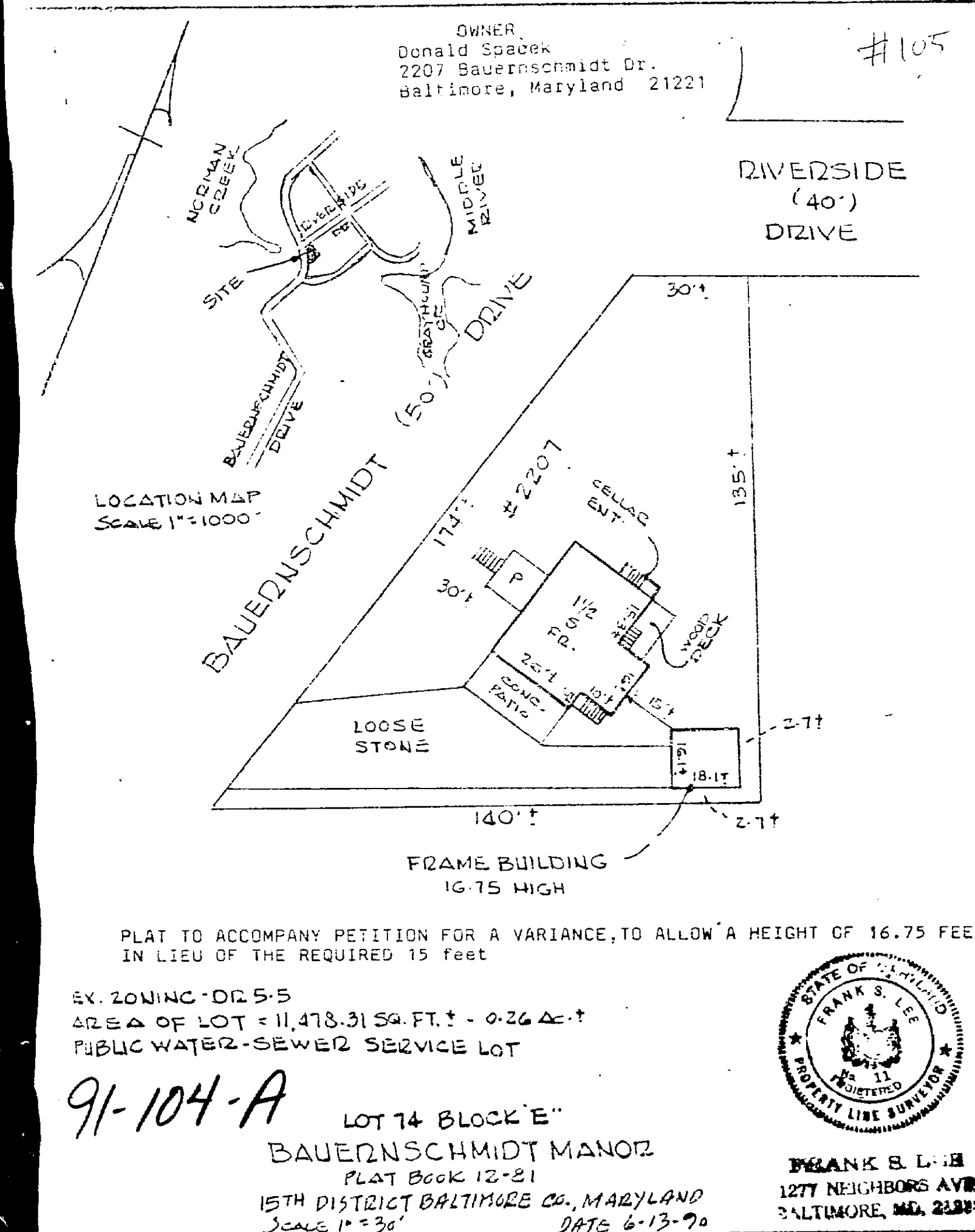
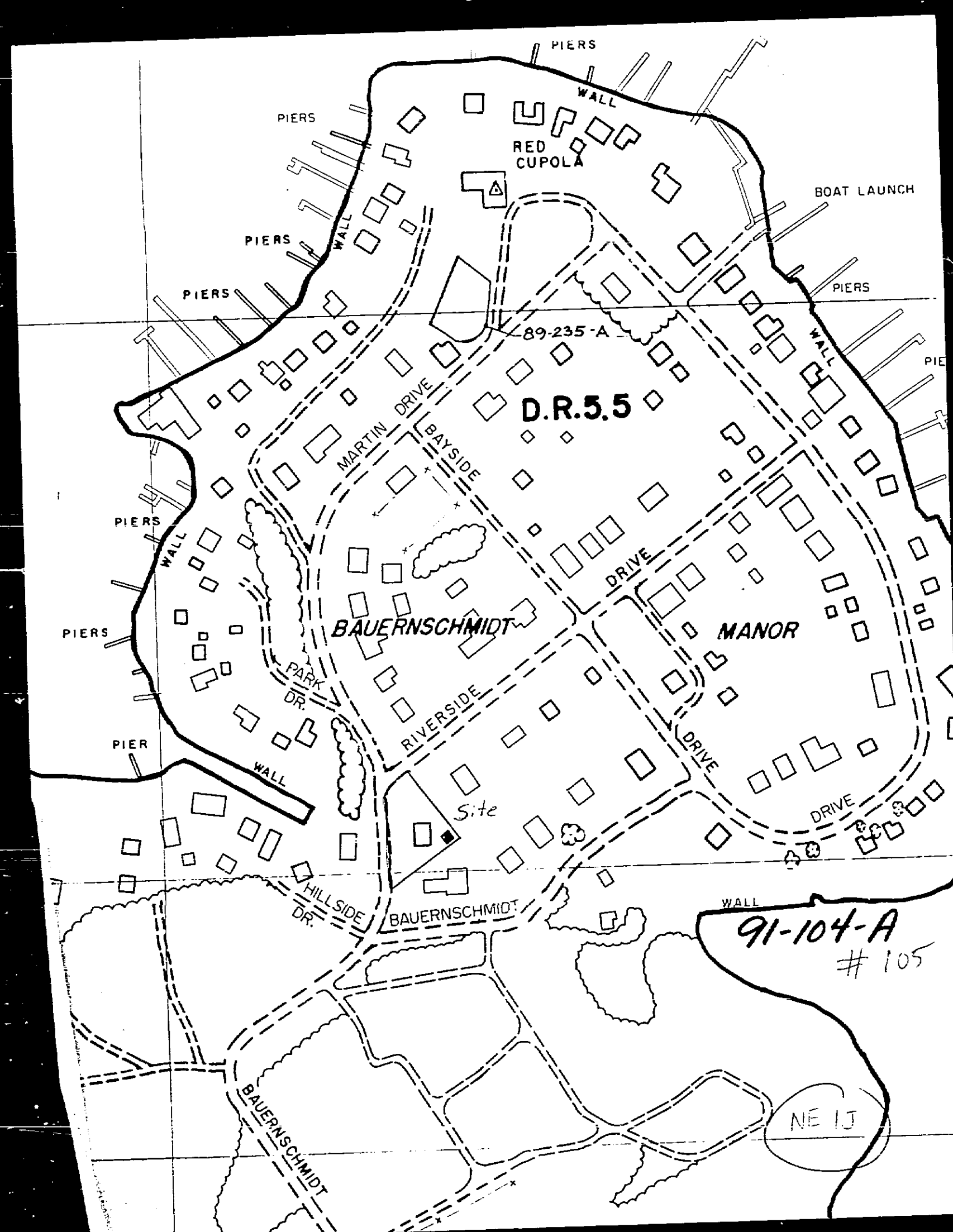
Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:NSS:ju
Attachment
cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen
Ms. Margaret Spacek

PETITIONER'S EXHIBIT #

CASE NUMBER: 91-104-A

ITEM #105



JAMES C. BRENNAN
ALFRED L. BRENNAN, JR.

BRENNAN AND BRENNAN
ATTORNEYS-AT-LAW, P.A.
455 EASTERS BOULEVARD
ESSEX, BALTIMORE, MD 21221

September 20, 1990

D.E.P.R.M.
401 Bosley Avenue
Room 416
Towson, Maryland 21294

Re: Administrative Variance Application
Item No. 195

Gentlemen:

Enclosed please find a copy of a Petition for Residential Variance that has been filed by Margaret G. Spacek for her property located at 2297 Bauernschmidt Drive, Baltimore, Maryland 21221. This property is located within the critical bay area. I am enclosing a copy of Frank S. Lee's plat of the property wherein I have drawn in the trees and shrubs that currently exist on the property. Mrs. Spacek intends to install rain spouts with infiltration pits on the shed.

Please forward your comments to the Zoning Office as soon as possible.

If there is any further information that you need, please do not hesitate to contact me.

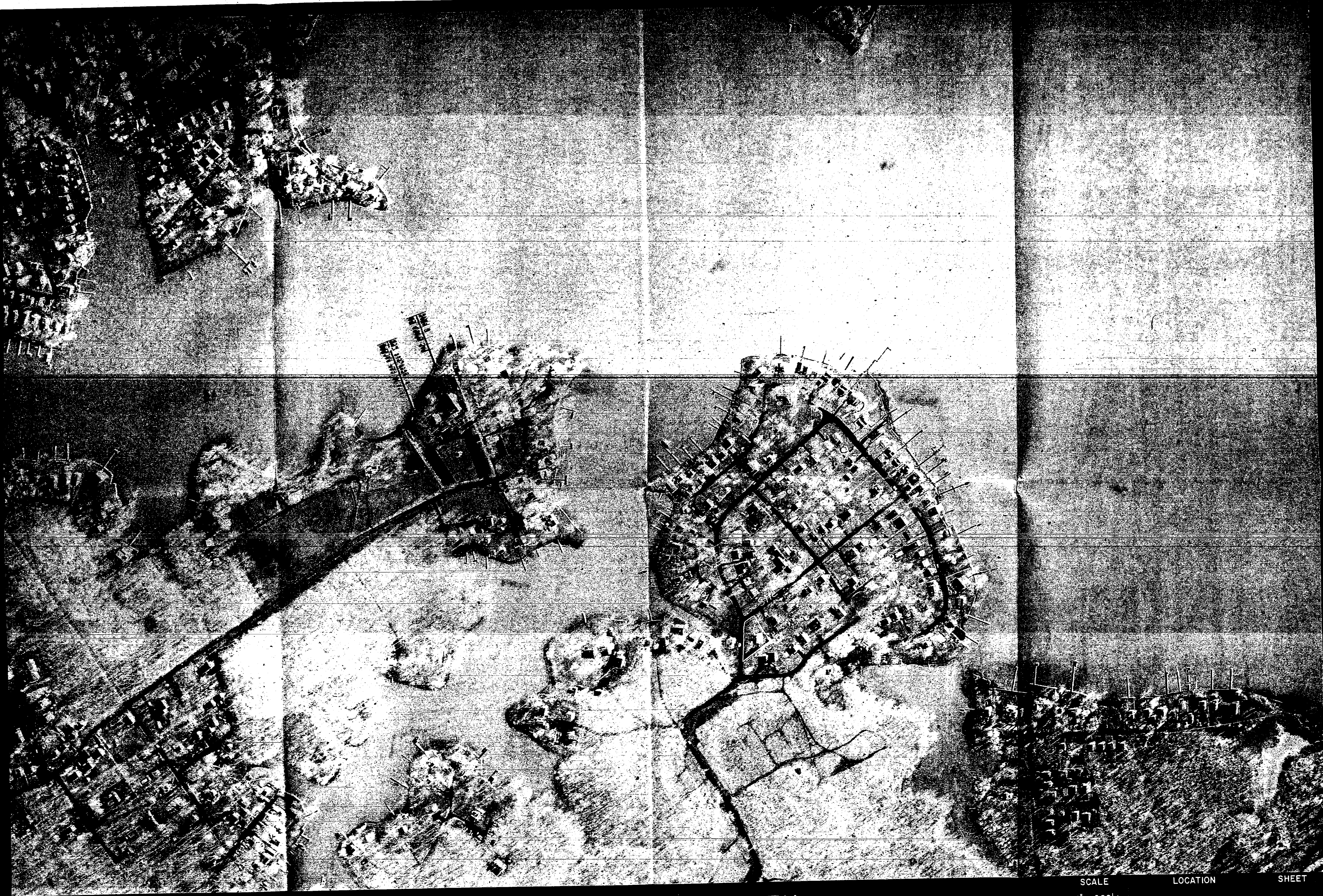
Very truly yours,

Alfred L. Brennan, Jr.
Alfred L. Brennan, Jr.

ALB,JR/bg

Enclosure

cc: Baltimore County Zoning Office



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
BACK RIVER NECK
CAPE MAY

SHEET
N.E.
1-J

91-104-A OCT. '8

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines DATE: October 19, 1990
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 105
Spacek Property
Chesapeake Bay Critical Area Findings

RECEIVED
OCT 20 1990
ZONING OFFICE

SITE LOCATION

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APPLICANT'S NAME Ms. Margaret Spacek

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<COMAR 14.15.10.01.D>

received

Memo to Mr. J. Robert Haines
October 19, 1990
Page 2

REGULATIONS AND FINDINGS

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Finding: The shed is located approximately 200 feet from tidal waters and is located no closer than the existing house. No disturbance of the tidal buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-98>

Finding: The shed is located at the end of a stone driveway and in the same location that previous sheds have existed. No wetlands shall be impacted by this replacement.

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Finding: The sum of impervious surfaces is approximately 8% of the lot. The sum shall not exceed 15% of the lot.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04 C.(5)>.

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

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Memo to Mr. J. Robert Haines
October 19, 1990
Page 3

5. Regulation: "The stormwater management system shall be designed so that:

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Findings: The applicant proposes to install infiltration trenches along the side of the shed. This will ensure that infiltration of water shall be maximized throughout the site.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:NSS:ju

Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen
Ms. Margaret Spacek